SBA disaster loans. Yet with all of these resources, both personnel and money, only 9,200 loans have been actually processed, which is 25 percent, and only 2,600, which is 7 percent, had actually been approved. Only 240 had actually seen a disbursement of money.

In addition, as of last week, the SBA had handed out only 10 of its new gulf opportunity loans the administration's answer to the business community's call for bridge loans.

We were assured by the SBA Administrator several weeks ago in a bipartisan committee hearing that those loans were on track, that they would respond rapidly, that they had enough people in place, that they were going to get the money out, and, indeed, here we are with the same record that was the incentive to have that hearing in the first place.

These loans, I might add, have an interest rate of as much as 13.5 percent. Why would we be providing a 13.5 percent loan to people who have been hit when you are trying to do it as a matter of disaster response? Frankly, that is beyond me.

The program has generated irate complaints from the very people whom it has been set up to try to help. One small business owner who called my office referred to the SBA and FEMA as ''blackwater mercenaries.'' They feel set upon, not helped. We are not going to help the small businesses down there until we pass comprehensive small business assistance.

Senators LOTT and COCHRAN have stated that the pace of reconstruction in their home State of Mississippi and the other Gulf States is ''unacceptable.''

Despite the assertion of the administration that the Nation's ''small business sector is vibrant,'' Senator LOTT has said that the slow pace of approving disaster loans ''is preventing small businesses from coming back and jobs from returning or being created. Not unexpectedly, the unemployment rates in the two largest coastal counties, Harrison and Jackson, are more than quadruple the national average.''

Senator LOTT is absolutely correct, and we need to do something about it.

So far, the best efforts of the Senate have been stymied. One bill passed 96–0 in the Senate during consideration of CJS. That was dropped in conference. Another bipartisan bill, S. 1807, the Small Business Hurricane Relief and Reconstruction Act, has been blocked by the White House since September 30. That is almost 2½ months.

Small business owners such as Dr. Edward Lang and Dr. Angela Lang, who rushed to complete their disaster loan application in the weeks following the hurricane, believing that assistance was going to be there, have been told that everything was going to be done to help people recover. They have gone months now without hearing any response from the SBA whatsoever.

In the immediate aftermath of the storm, their small but successful podiatry office based out of New Orleans was deluged with 5 feet of water.

With their savings all but gone, and the ever-shrinking list of patients, all of whom have been displaced by the storm, the Langs are in dire need of assistance. They want to stay there. They want to rebuild their business there. It is essential to New Orleans that people who make that choice are empowered to be able to do so.

Despite repeated offers from out-of-state hospitals, they are sticking by their plan to try to rebuild in the city they love and the place they want to work. But the cold shoulder they received from the SBA is a virtual death sentence for their livelihood. They are just one example of countless other gulf coast businesses that have been ignored by the very governmental agencies that exist to serve them. On its face, that is unacceptable.

The request that has been put forward by the Small Business Committee for $720 million is a little more than 1 percent of the $62 billion the administration has requested for Katrina relief. This legislation is a very small cost compared to the total amount of money the Government is putting in, but an enormous return for the small businesses that need it.

Once again, we are seeing a situation where big business is able to walk away with most of the funding while the vast majority of the job base is in small business, and they are not getting the assistance they need.

What our bill does is to authorize $450 million for the impacted States to provide immediate assistance to small businesses struggling to get on their feet. It authorizes additional funding for SBA's partners—such as the small business development centers that are out in the field trying to provide business counseling to the many people and to the owners who are trying to determine what comes next.

There are too many businesses on the verge of bankruptcy in the hurricanes' wake. Since the goal shared in a bipartisan way by all of the Senate and the House is to try to get those businesses to be leveraged as best as possible, to be able to return as soon as possible, and each small business that returns helps the other small businesses to be able to return, all of those things will make a difference. Tax breaks will help. But the fact is, tax breaks are not enough because tax breaks do not make an impact until you file your taxes. They have nothing to do with the assistance one needs now to be able to have cash in the pocket, to be able to survive the gap. Small businesses need that additional relief, access to capital, immediate and longer-term.

Our bill also addresses the Administration's failure to contract with small businesses to rebuild the region. The New York Times reported more than 80 percent of FEMA contracts alone were awarded on the no-bid limited competition basis. This bill we have introduced—Senator SNOWE, myself, and other members of the committee—encourages greater competition by implementing a 30-percent goal for prime contracts and a 40-percent subcontracting goal. With billions of dollars being allocated to relief and reconstruction, it is important to demand fair competition. We need to ensure that America's small businesses are not left behind.

The citizens of the gulf region are courageously and desperately trying to rebuild their communities. The empty promises of several weeks ago, ''we will do what it takes, we will stay as long as it takes,'' are ringing in their ears. Frankly, they are wondering where the actions are to back that up.

According to Mike Allen of Time magazine, one Presidential adviser is quoted as saying recently:

> Katrina has fallen so far off the radar screen you can't even find it.

We need to find it. We need to put small businesses back on the radar screen. We need to follow through on the commitments to the victims of these devastating hurricanes. We need to ensure that we do not leave the citizens of the Gulf States behind.

There is bipartisan support to do this. The Senate passed this legislation previously. My hope is before we decide to go home, we will do what is necessary for the citizens who have been so badly impacted in the Gulf State region get the relief they have told us they need.

I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 2520

Mr. FRIST. Mr. President, over the next few moments I will be addressing an issue that affects potentially thousands of people today who are without therapy or who have debilitating diseases, and then begin a brief discussion on what is called the cord blood bill.

The bill, broadly supported in a bipartisan way, has widespread support in the Senate, as well as in the House of Representatives.

As my colleagues know, we plan to take up and debate the policy and issues related to Federal support and oversight for embryonic stem cell research early next year.

And I look forward to what I know will be a full debate on the science and ethics surrounding this important research.

Today, I ask consent to move forward with bipartisan legislation to encourage a technology that is producing cures and saving lives now.

This legislation is needed now.

Every day, patients young and old die waiting for transplants of hematopoetic cells because they can't find a suitable match.

Diseases like leukemia, sickle cell anemia, and as many as 70 other blood and genetic diseases have been helped or cured by Cord blood transplants.

Cord blood is a healthy byproduct of normal pregnancies, and is harvested from the placenta after the baby is safely delivered.

The placental byproducts yield blood cells that are genetically immature, but have the remarkable ability to help recreate blood cells in patients who have diseases that traditionally have only helped through bone marrow transplants.

This bill provides for the creation of a public inventory of 150,000 units of cord blood which is estimated to provide well matched transplants for 80–90 percent of the population in need.

These are units that can be available in days, not months, with a success rate in patients as high as 80–90 percent, as compared with 40–50 percent with traditional bone marrow transplants.

Because the cells are initially less mature and more pliable there is less chance of rejection, and therefore fewer complications.

In fact, over 7,000 cord blood transplants have been successfully done here in this country, and around the world.

Leukemia is a devastating blood disease that has been treated by traditional bone marrow transplants.

Unfortunately, although there is a large group of potential bone marrow donors in the United States and Europe, testing, harvesting and transplanting bone marrow cells can take often months, with less dependable success.

Although this is important technology, cord blood transplants may provide an alternative that has already shown to be faster, safer, and potentially reach a larger group of patients affected with leukemia.

Nonmalignant blood conditions such a Sickle cell and Fanconi's anemia are also devastating to those affected by the disease.

Sickle cell anemia affects as many as 50,000 African Americans, while many more are carries of the disease. Although very few unrelated cord blood transplants have occurred, the success has been staggering—Sickle cell anemia can be cured.

Krabbe's disease is a genetic disease that affects only 1 in 100,000, but as many as 1 in 125 Americans are carriers of the genetic deficiency.

To date more than a dozen patients have had a cord blood transplant and have been cured of the disease.

Passage of this bill is especially important for minorities. For example, African American patients have the lowest success rate in getting a transplant from an unrelated bone marrow donor.

A long time member of my staff, Cornell Wedge, experienced this first hand. His brother, Robert Wedge Sr., was diagnosed with leukemia and in spite of sibling typing and numerous bone marrow drives aimed at increasing minority donation, his brother passed away still waiting for a match.

While tragic, this is not uncommon.

It can take months to properly screen, match, test and retest potential donors of traditional bone marrow transplant recipients.

Once we establish and collect a national cord blood inventory, we can significantly increase the chance of every individual in need to obtain a nit for transplantation. Furthermore, because of the relative immaturity of cord blood, rejection of the transplants are fewer and less severe.

I want to thank my colleagues, Senators HATCH, BURR, ENSIGN, BROWNBACK, DODD and REED for spearheadng the effort to produce a bipartisan bill with broad support.

The House of Representatives passed H.R. 2520 with overwhelming bipartisan support.

Furthermore, Chairman ENZI and others in the Senate have worked in a bipartisan manner to achieve the compromise language represented in the bill as reported out of committee.

I'm told the House will move quickly on this bill as soon as the Senate completes action.

There is no question that this issue enjoys broad bipartisan support in the Senate.

We have a responsibility to authorize this program and provide appropriate guidance regarding the establishment of the program.

I will let my colleagues discuss the specifics of the legislation, but I must ask, how can we deny any longer the many patients waiting today to find that match?

Indeed, the patients don't understand.

This is literally a matter of life and death.

Proverbs 27:3 says ''Do not withhold good from those who deserve it when it is in your power to act.'' It is within our power to act.'' And I hope we do.

We have a responsibility in this body to authorize this program and provide appropriate guidance so we can establish this program and get it up and running. There may be several of my colleagues who want to comment on the specifics of the program.

I will ask consent at this point and hope that we do get agreement and then further comments can be made.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 256, H.R. 2520, the cord blood bill. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, reserving the right to object, I want to first pay my respects to Senator FRIST and his leadership. He has been a leader in this area. He knows it well. We served on the same committee together when our leader came here to the Senate. I also commend Senator FRIST for his leadership on the stem cell issue, a very courageous stand.

I want to make it very clear that I support the cord blood bill. I am a cosponsor of it. What's more, I joined with Senator SPECTER 2 years ago to create the National Cord Blood Stem Cell Bank Program, and as our leader said, we included $10 million for that purpose in the fiscal year 2004 Labor-Health and Human Services appropriations bill. We have been funding that program ever since. When I say I want this bill to pass, I have a record to back that up.

But I have said for months that we should consider the cord blood bill at the same time that we take up H.R. 810, the Stem Cell Research Enhancement Act. That is what the House of Representatives did. On May 24, the House approved both bills. We have been waiting in the Senate to do the same thing. Senator SPECTER and I, along with Senators HATCH, FEINSTEIN, KENNEDY, and SMITH all agree. Let's have up-or-down votes on cord blood and H.R. 810, as the House did. The House did them together. Then we can send them to the President.

We keep hearing that we want to bring up H.R. 810. In fact, I pay my respects to the leader for his very courageous speech. On July 29, our leader said he would vote for the bill. But we just can't seem to bring it up on the Senate floor. Members keep coming up with new bills to try to confuse things. They want to vote on 5 or 6 or 7 bills, some of which have nothing to do with stem cells or cord blood. I understand there is a lot of pressure on Senators to take up the cord blood bill before the end of the year. I have no problem with that, but under one condition—that we also take up H.R. 810.

I reserve the right to object. I ask the leader if he would modify his request to include H.R. 810 in his amendment at the desk.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. FRIST. Mr. President, reserving the right to object to the request for a modification, all of these issues are critically important to promoting the health and welfare of patients as we look to the future, especially with embryonic stem cells, diseases that occur today. But it is going to take some while to have the research fully developed to be able to apply it. I believe it has huge promise, as I have said on this floor many times. The reason I feel strongly about separating the bills now is that bill is contentious in the sense that it is going to take a lot of debate. This is the embryonic stem cell bill that my distinguished colleague from Iowa refers to. It is going to take some time that I will give on the floor of the Senate early in the year and have committed to do so because of its importance. It is important to address that in order for that research to be amplified. Much of that research needs to be

amplified for cures that may occur 5 or 10 years down the road.

The reason I feel strongly, since there is probably unanimous consent on the substance of this bill, that we should move ahead is that we can benefit people who are dying today from diseases such as Fanconi's anemia, diseases such as a whole range of leukemias, childhood leukemia especially, where cord blood is so particularly powerful, diseases such as Krabbes, a pretty rare disease for which there is no treatment today except for the therapy that is applied in terms of cord blood. The reason I think we can justify, and should justify, separating these bills is that we all agree on the substance. It is a good bill. The leadership of Senator HARKIN and Senator SPECTER have brought us to the point that funding has begun. But now is the time to make this registry available nationwide.

The one problem with cord blood today is that it is powerful. It is more powerful than a regular bone marrow transplant, but the quantity that you get out of the placental byproducts has to be accumulated. You need to accumulate it from several different sources. But you do have to have a degree of genetic matching. Therefore, the only way to take advantage of it is to have a national registry where you can go to a computer and see where it is all over the country. Then you pull it together to treat a child who is dying from leukemia today. Therefore, action on this bill will save lives, literally.

We always exaggerate. A lot of people exaggerate the politics about saving lives in a lot of legislation we do. But I do believe that by establishing the registry and the communications network, which has not been done in spite of the funding, we can have a dramatic impact.

Since we have the House bill, we have the bill that we are requesting today, and I have assurances that the House will deal with it before we leave in the next 48 hours, we literally can pass a bill that we all agree upon.

There are a number of other bills. One is the embryonic stem cell bill. But there is an alternative therapy bill. There are a whole range of bills that are very important that we need to take up that are going to take several days on the floor to look at ethical and scientific issues. We are committed to doing that in the early part of the year. This is an important topic, and that is why I will object to the modification because I believe the embryonic stem cell does deserve more thought than we can possibly give it in the next 48 hours.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader?

The Senator from Kansas.

Mr. BROWNBACK. Reserving the right to object, I want to enter into this discussion. I deeply appreciate the majority leader bringing the issue up. I appreciate the comments of my colleague from Iowa. He and I have been around this debate for some time. I personally want to bring up a human cloning ban. That is something I have had in the mill for 4 years. Each session we are getting close. I think it ought to be included right now and moved forward. Yet I recognize it has some contentiousness to it, as does my colleague from Iowa raising the embryonic stem cell issue. It has a contentious debate on it. I have objections, as a number of my colleagues do, to the use of young human life for research purposes.

The reason that we should go forward with this type of proposal the leader is putting forward is there is nobody opposed to cord blood research in the entire 100 Members here. Everybody supports cord blood research. It is real cures today. I have two pictures of people who are being treated right now, have been treated. This is Keone, sickle cell anemia, cord blood cured. Another one, the next one, Krabbes disease, 3-year-old, cured, cord blood. The problem is, we don't have a big registry of it around the country. So it is a real hit and miss. Some people are lucky enough to find it; others don't and die today.

With embryonic stem cell research, the researchers who are the most supportive of it are looking at decades before we have cures. We are researching on it today.

We can cure more kids such as Erik Haines today or more will die if we don't take up what the majority leader is asking for us to do, a bill for which there is unanimous support. There is not a single person who does not support a cord blood registry and getting the banking of it up so more people can live today.

So I hope my colleagues will look at this and say they don't object. The Senator from Iowa supports the bill; he is one of the sponsors. Let's let this one through, and next year I would love to have a debate on embryonic stem cell research. I would love to debate that and have a debate about cloning. Let's do that and let's have this robust discussion where we don't have agreement.

But here we can save lives today. I am not going to object. I would, though, ask that the majority leader's proffer be accepted so we can save some lives today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Further reserving the right to object, and I will object, with all due deference to my friend from Kansas, and he is my friend, these two need to be together as they were in the House. I keep hearing about we will bring this up and debate stem cells. I didn't come prepared with pictures. I can show you pictures of people dying today because they could use stem cell transplants right now. My friend from Kansas says decades. No. It will be decades if we keep diddling around and not doing anything. I hear that we will bring it up and debate it. I have heard that for half a year.

Unless the majority leader can give us a date certain—give us a date—hopefully before May 24, 2006—if the majority leader can give us a date before then when we will bring up H.R. 810—if they want to bring up these other bills, fine, as separate bills, not as amendments to H.R. 810; bring them up separately and we will debate and vote on them, fine. I have no problem with that. But unless the majority leader can give us a date certain and not more of this ''maybe we will debate it sometime in the future,'' I will object. I reserve the right to object and I ask the majority leader, can he give us a date certain by which the Senate will take up H.R. 810 as a freestanding bill without amendments? If they want to bring up other bills, the cloning bill, that is fine, too—not as an amendment to H.R. 810, but as a separate bill. I ask the majority leader, can he give us a date certain by which this Senate will set aside time to bring up H.R. 810 as a freestanding bill without amendment, debate it, and vote it up or down?

Mr. FRIST. Mr. President, the case, I think, to be made is whether we can address this particular bill, where 100 percent of the body is for it. It will save lives today and tomorrow. There is a whole range of bills. We have the embryonic stem cell bill and we heard about the cloning bill. There is the alternative embryonic stem cell bill. We have about six or seven bills which I have tried to bring to the floor under a unanimous consent request objected to by the other side, where we bring each of these bills separately, freestanding, to the floor. That has been objected to by the other side of the aisle. Since that time, I have committed that we will be addressing these bills early next year. I cannot give a specific date. I cannot even tell people what we will be voting on tomorrow morning in this body, given our schedule. But the commitment is to address these issues in the early part of next year.

If we don't pass this now, people will be suffering who are waiting for transplants if they cannot find a suitable match. Yet if we were to pass this bill with this registry, the registry will put together a public inventory of 150,000. One person waiting for a transplant that is lifesaving for otherwise untreatable diseases or treatable by a traditional bone marrow transplant—we will have 150,000 units then in a registry where you go to a computer and get a match and that transplant can take place. You can match as many as 80 or 90 percent of the people who are waiting today if we had this registry. The neat thing is that these units are available not within months but days. For transplants, people usually have to wait months, but this is the sort of thing where once you have the registry, you wait not months but days to get the transplant.

One last point is that with these cord blood transplants, outcome is better

than with the traditional bone marrow transplants with more mature cells. Cord blood cells are less mature and less pliable than the more adult cells for traditional bone marrow transplants.

With that, I am disappointed that we have heard this objection tonight.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I echo the disappointment of the leader and will make a couple comments on the debate we have already had. I know it is not in the leader's power to bring up a bill that is unamendable. It is possible for the leader—and the leader has made speeches in support of having the embryonic stem cell—to bring up a bill, but when it comes before the body, it can be amended any number of ways. So it is not possible for any leader to be able to give the guarantee that has been asked for today.

Another important part of this debate is that we don't just have the 100 Senators in this body agreeing that this is important, necessary, and immediate legislation; we also have the House agreeing that this is important, necessary, and immediate legislation. This is something for saving lives now. This isn't a big thing to go into the research area. This is treatment that is readily available.

We have preconferenced this bill already with the House, so it is not a matter of debate or discord between the House and the Senate. I am noticing at this time of the year that there is quite bit of that. There are more fights between the House and Senate than between the Republicans and Democrats. I hope we can get all of the debate resolved that we have before us. This is one that ought to only take a few minutes, and it could be done yet today and to the President for signature tomorrow because of the preconferencing we have done. That is unusual for a bill. If any one of the stem cell bills were able to be even unanimous consented within this body, we would be able to take it up as we have a number of bills, such as the pension bill, which was not easy. To have one come up with absolutely an up-or-down vote isn't going to happen around here.

I know we were looking forward to the debate. We expected it. Then a little thing called Katrina happened. The time we would have been debating that, we were debating lives in a little different manner, trying to come up with solutions. We still have some of those outstanding. Time for debate here is a very precious thing, particularly as we are winding up a session. I appreciate the leader saying he would definitely bring it up early next year. I know that is about as strong a commitment as anybody can make around this body.

While we are on this bill, I want to express my support for its passage, and I want to particularly commend Senator HATCH for his work on it. In fact, the base bill we worked with was Senator HATCH's bill. He brought a lot of us along with him on getting an understanding of what this does and what it could do, and he not only had the experience with the bill he submitted, but has been working on this in various stages for years. He has a tremendous body of knowledge he was willing to share and able to share. That is what brought everybody into the picture. He worked with Senators BURR, ENSIGN, DODD, and REED to develop the HELP Committee product that now also the House can support. I appreciate his efforts, as well as the others within the HELP Committee, to reach this delicate compromise.

I also thank my colleagues who were critical to legislation, which would be Senators KENNEDY, BROWNBACK, KYL, and others. They played a significant role. Given that this is a preconference agreement with the House, I appreciate the work of Representative C.W. BILL YOUNG and Chris John, Chairman JOE BARTON, and others in the House who have worked with us to help develop this language, to take the contentiousness out, to get it to the point where it is now. One of the unfortunate things with preconferencing and unanimous consent is that without the wild debate on things, the media normally doesn't pick up when something significant happens around here.

This is one of those issues that is so critical, and we need to get it to the people who need it now. We ought not have a contentious debate just for the sake of getting the word out that we have done it. This is something the media ought to latch onto, if it gets completed, and help us get the word out that it has been done and get it into place.

The compromise we passed out of the HELP Committee in June recognizes the valuable contributions made by stem cells from both bone marrow and cord blood. This legislation establishes a sibling cord blood program in which qualified cord blood banks have the option of providing free collection and storage of cord blood units for families with an ill child or parent who could be treated with a cord blood transplant. In this way, we can ensure that sick children have the best possible chance to receive a closely matched transplant while still emphasizing the availability of private cord blood bank donations.

To make it easier for patients to have access to cord blood and bone marrow, this legislation also requires cord blood and bone marrow programs to collaborate in providing patient advocacy and case management services to patients. In this manner, patients can have access to single point of access to determine the best option for their transplant.

Additionally, this critical bill requires the Food and Drug Administration to provide a report on its progress in developing licensure requirements for cord blood units, given that such requirements will help improve the quality of units provided to patients nationwide.

Finally, I wish to mention a new outcomes database included within the legislation which provides the opportunity for the Health Resources and Services Administration and other researchers to examine the clinical benefit of a variety of these therapeutic products, including bone marrow and cord blood.

All of these critical changes will help improve the quality of care patients receive each day.

This week, I read about a little boy who benefited from a cord blood transplant. This little boy was born in December 1999.

Mr. HARKIN. Mr. President, regular order.

The PRESIDING OFFICER (Mr. CHAFEE). Regular order has been called for. Does the Senator object?

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Wyoming.

Mr. ENZI. Mr. President, thank you for the opportunity to continue. I know there are others who want to speak on this briefly, too.

I read about this boy who was born in December 1999. At age 1, he was diagnosed with a disease causing progressive damage to the brain and adrenal glands. Left untreated, it would lead to his eventual death. For this little boy, an unrelated cord blood or bone marrow transplant was the only known cure for his disease.

When he was just 2 years old, because of the disease progression, he received a cord blood transplant. Two years post-transplant, he is doing extremely well. He is a healthy, normal little boy. If you met him, you never would guess what he had been through and what awaited him without this transplant.

It is for this little boy and others that we are focusing on this critical legislation right now. Like others, I do think that it is important for us to discuss the broader issues of stem cells on the Senate floor. However, it is neither the time nor the place for such a debate. But we can help people now by passing this legislation which has broad bipartisan support. You can't get more bipartisan than 100 percent. So I urge my colleagues not to hold up this critical legislation until that other debate occurs. I urge my colleagues to think of this little boy and other little boys and adults and people in between who would benefit from cord blood or bone marrow transplants.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am hopeful that my dear friend and colleague from Iowa, Senator HARKIN, will withdraw his objection. I think everybody in this body knows it was only after years of study—a very sincere study—that I came out for embryonic stem cell research, as well as cord blood stem cell research.

I mention to my colleague from Iowa that the majority leader, even though he was against embryonic stem cell research, has had the courage to come out for it. Upon reflection and study, he has as great a desire to pass embryonic stem cell research as I do. So when we get down that road of being able to help the living with these tremendous maladies we have, it may be the final answer to health care costs as well. But we have to start now.

There is a difference. This bill is the cord blood research bill. I do not know one person in this whole body who is against it. Not one. I don't know one person in the House of Representatives who is against it. Not one. And by the way, we have preconferenced this bill. It is very difficult to preconference bills. But virtually everybody realizes that if we can pass the cord blood bill, we will go way down the road of being able to help people with these serious problems, especially these young children, as mentioned by our distinguished chairman, Senator ENZI.

I am grateful for all of the people he mentioned in his illustrious remarks. There have been a lot of people who have worked on this issue. I think we should take the majority leader's word as a supporter of embryonic stem cell research that he will bring that bill up for a debate. There are others who also want to debate their particular points of view with regard to embryonic stem cell research, but virtually everybody is for cord blood research.

I believe we should give unanimous consent to immediately call up and adopt H.R. 2520, the Stem Cell Therapeutic and Research Act. We should pass this bill immediately. Patients cannot afford to wait until next year, their families cannot afford to wait until next year, and we in the Congress cannot afford to wait until next year.

Passage of this legislation offers us a rare opportunity to make a difference in the lives of those who either have a serious illness or have a family member who suffers from a serious illness. I don't think we should let this opportunity pass. This is the season of the year when we try to put others before ourselves.

As everyone knows, I have been working on this issue for 3 solid years and, in fact, with my original cosponsors—Senators BROWNBACK, DODD, and SPECTER—introduced the first bill on this issue in the 108th Congress. I am pleased that I have introduced legislation with Senators DODD, BURR, ENSIGN, and REED to put aside our differences and let this legislation pass once and for all. It is the right thing to do because it is in the best interest of my fellow citizens.

My goal, which I share with the other sponsors of this bill, is to create the best possible system to provide patients, clinicians, and families with access to these lifesaving treatments. I believe H.R. 2520 does this by ensuring that the number of bone marrow donors and cord blood units available for transplant and research increases in the near future.

The integrated system will include not only the international bone marrow donor registry but also a network of qualified cord blood banks which will collect, test, and preserve cord blood stem cells. In addition, the system will educate and recruit donors, facilitate the rapid matching of donors and recipients, and quickly make such cells available for transplant centers for stem cell transplantation. The establishment of a national infrastructure for transplant material will help save the lives of many critically ill Americans.

We need to be sure that our Nation can meet the needs of patients and physicians by providing a strong future for both bone marrow and cord blood transplantation in this country.

My personal goal is to ensure that the amount of transplant material available for patient care and research continues to increase in the coming years. The only way that goal may be accomplished is through strong Federal support. It is the only way.

I look forward to working with my colleagues and doing everything possible to provide transplant patients with the best possible options by ensuring a strong future for bone marrow and cord blood transplantation in this country.

Mr. President, this is a good bill. I hope my colleague from Iowa will think this over because this puts us down the road of being able to get on top of some of the most innovative and important and remarkable health care processes this country and any country has ever seen.

If we do not pass this bill in this timeframe and it gets mixed up in the whole panoply of embryonic stem cell research, it could take at least another year, maybe 2 years, before we get even cord blood legislation passed by Congress. Why should patients have to wait another year or 2 for such a lifesaving bill to pass the Congress?

There are many illnesses where cord blood transplantation and research have already made the difference in people's lives.

I think I have made my point, and I urge my colleagues to pass this bill as quickly as possible.

It is apparent we are not going to be able to do the cord blood research because of objection, but I hope that my colleague will reconsider and allow this to happen before the week is out. I know my colleague from Iowa is very sincere. He has been one of the leaders on stem cell research in this country, and he certainly has a right to do whatever he wants, but I am thinking of the thousands, if not millions, of people who could benefit from this research if we get it going with Federal Government help at this time.

Mr. HATCH. Mr. President, I rise today in strong support of the USA PATRIOT Improvement and Reauthorization Act. This bill gives our national security and law enforcement communities, including the FBI, the tools they need to fight the war against terrorism, while at the same time adding new provisions to protect the civil liberties and privacy that all Americans rightfully expect and cherish.

The first responsibility of our national government is to protect the citizens of our country from foreign threats.

My fellow citizens of Utah and all of my fellow Americans expect that the Federal Government will help protect them against terrorist attacks but to do so in a fashion that does not open the lives of ordinary, law-abiding Americans to unjustified government intrusion. The PATRIOT Act protects our citizens by helping to keep us physically safe and protects our essential civil liberties.

The PATRIOT Act Conference report before us makes permanent 14 of the 16 expiring PATRIOT Act provisions, all of which have proven extremely useful over the last 4 years in preventing and prosecuting terrorism. Sometimes lost in the often charged political debate over the PATRIOT Act is the fact that there is broad, in fact almost universal, political consensus that each and every one of the major elements of the PATRIOT Act is essential to protecting the American public.

One hard and true measure of this reality is that there is wide agreement that 14 of the 16 expiring provisions in the PATRIOT Act ought to be made permanent. That is what this bill does. Another measure is that no major component of the PATRIOT Act is being repealed nor, to my knowledge, is anyone making any serious effort to repeal any major component of the PATRIOT Act. There is a simple reason for this simple fact. Overall, the PATRIOT Act is operating well and has not been abused. The PATRIOT Act is necessary to help protect the American public from terrorists.

The bill before us renews, for a 4-year period, the remaining 2 of the 16 expiring provisions of the PATRIOT Act that are not made permanent in this bill. Frankly, many of us think that these two provisions, section 206—the roving wiretaps, and section 215—the business records section, also ought to be made permanent. I know of no serious expert in counterterrorism or law enforcement who is calling for the repeal of either of these two important provisions or who believes that they will not be renewed again in 4 years. The fact is that the main reason that these two provisions have not been made permanent is not because they are fundamentally deficient. The reason is that there is an understandable concern shared by virtually everyone that there ought to be vigilant congressional oversight in the area of counterterrorism generally, and the PATRIOT Act specifically. Adopting these two sunset provision merely ensures that Congress will do what it is doing already—conducting consistent

and careful oversight of the PATRIOT Act.

I welcome this scrutiny and debate. We need to stay on top of how this important counterterrorism law is being implemented and enforced. We need, as we have done in this bill, make any necessary refinements that will improve the PATRIOT Act. I think the record is clear that Congress has not shirked its duty when it comes to conducting vigorous oversight of the PATRIOT Act. I understand that this year alone Congress has held some 23 hearings on various elements of the PATRIOT Act and that Department of Justice officials have testified at 18 of these hearings.

The Senate Judiciary Committee has held literally dozens of hearings on elements of the PATRIOT Act since it passed it 2001. During the 108th Congress, when I chaired the Judiciary Committee, we held some 30 hearings that touched on aspects of the PATRIOT Act.

Under Senator SPECTER's capable leadership, the Judiciary Committee held an additional series of more than a half dozen hearings this year that focused on the PATRIOT Act and that does not even count confirmation hearings for senior Department of Justice officials, such as the Attorney General, at which there have been a substantial number of questions related to the PATRIOT Act.

This House Judiciary Committee has held a similar comprehensive set of hearings on the PATRIOT Act.

We have heard from all the major critics of the PATRIOT Act. I think that the bill before us today shows that we have listened to, and where appropriate, have responded to the legitimate concerns of the critics. Frankly, in a number of areas I think we have bent over backwards to address concerns that were more hypothetical than real. To put a point on it, as Attorney General Gonzales says in his Washington Post op-ed published yesterday:

> During this important debate, Republicans and Democrats have discovered that concerns raised about the [PATRIOT's] act's impact on civil liberties, while sincere, were unfounded. There have been no verified civil liberties abuses in the 4 years of the [PATRIOT] Act's existence.

That is a good record by any measure. As with any complex piece of legislation, we should not be surprised that if one day some administrative official, intentionally or otherwise, does abuse their discretion under the statute. Unfortunately, that is only human nature. But just because someone applies the law in an abusive fashion, it does not follow that the law needs to be repealed.

I think it is a testament to the professionalism to the men and women of the FBI—led by its able Director Bob Mueller—and other law enforcement agencies that, to date, there have been no documented cases of PATRIOT Act abuse. Let me just say that many critics of the act have tried their best to make the facts match their critiques but have failed to marshal any definitive evidence.

We should all understand that the chief reason for the bill's inclusion of a 4-year sunset of two provisions acts chiefly as a belt and suspenders approach to help ensure that Congress will continue our extremely active oversight of the PATRIOT Act. In fact, the House bill contained a 10-year sunset renewal period for the two provisions that will not be made permanent.

While it would have been possible to compromise somewhere between the 4-year Senate renewal time period and the 10-year House sunset period, the conference report—which no Democrat signed—contained the lower Senate number of 4 years.

It always leaves you a little empty when you make a major compromise and your colleagues pushing for particular provisions still do not sign onto the compromise package. Whatever happened to compromise around here? The PATRIOT Act reauthorization has been through several drafts as the conference process has taken place. I do not necessarily support every change that we have made but I have always believed that compromise is part of the process of legislation.

I think that a fair reading of the record reveals that in the grand scheme of things the issues that have generated the remaining disagreement on the PATRIOT Act are relatively minor issues. No one is talking about repealing any major part of the PATRIOT Act although some of the outside groups would have you believe that the PATRIOT Act is somehow un-American and a threat to civil liberties.

Hogwash. I support the efforts of our law enforcement and intelligence officials in combating terrorism. They continue to fight terrorists who would wreak havoc and death on America. It seems to me, and many others, that we should at least give law enforcement the same tools to investigate and stop terrorists that we give to combat mail fraud or internet pornography and organized crime. Now that the shock and pain of 9/11 has begun to fade, I hope we do not go backwards in our efforts to prevent terrorism. We should not make it tougher for our law enforcement and intelligence officers to obtain and share information critical to investigate terrorists than we allow for common criminals.

Let me specifically address four provisions of the PATRIOT Act that are often misunderstood at best, and sometimes outright misrepresented by many in this debate. First, section 206—this is the multipoint or roving wiretap provision. Section 206 is an essential provision that addresses the terrorists' use of evolving technology by allowing law enforcement to obtain a wiretap order that covers the communications of a specific individual even when that person—whose name we may not know—changes telephones and locations to evade interception. We live in a day of relatively cheap and disposable cell phones, a reality that terrorists make use of each day to avoid detection.

The PATRIOT Act reauthorization bill requires a full description of a specific target in both the application and the court order, even if the target individual's actual identity is unknown. The act also requires the specific facts be alleged and documented that show how the target's actions may thwart surveillance efforts. Additionally, the act requires the FBI to notify the court within 10 days after beginning surveillance of any new phone. This notice must include the facts and circumstances that justify the FBI's belief that each new phone is being used, or is about to be used, by the target.

Second, section 213 of the PATRIOT Act covers delayed notice search warrants. This may be the most misrepresented provision of the PATRIOT Act in recent years. Its critics sometimes refer to it pejoratively as the sneak and peak provision. They suggest that it somehow gives the FBI carte blanche to rummage through each American home without ever telling the target individual what is being searched and why. That is simply not true.

Delayed notification search warrants always involve judicial review. In fact, delayed notification search warrants are a creature of judicial creation and first appeared about 20 years ago when judges agreed that there were some occasions when the interests of justice made it prudent not to tip-off suspected criminals that their premises were about to be searched.

Former Deputy Attorney General Jim Comey, a distinguished career federal prosecutor, explained at a PATRIOT Act field hearing held in Salt Lake City last year that he was personally involved in several investigations of suspected drug dealers in which judges agreed to allow the FBI to secretly search for drugs before effectuating arrest warrants in order to be able to bring to justice the greatest number of those involved in the drug ring.

In the same way that we have used the judicially created and sanctioned delayed notification search warrants to bring drug dealers to justice for over 20 years, I am certain that we want to continue to bring this same technique to bear against suspected terrorists so we can stop or catch the most senior members of a terrorist cell and to give us the best chance to understand who is involved, and what they are plotting to do against us.

Let me repeat again. Under this bill, delayed notification warrants always require a judge to find that delayed notification is justified.

And what was the big flap over this greatly debated provision?

Not, as some would have it, whether this was an un-American trampling of rights. No, the debate among conferees

was whether the initial period for the duration of this special type of search warrant would be 7 days, which was in the Senate bill, or 180 days, which was in the House bill.

Stop the presses, the conference report contains a decidedly un-shocking, 30-day compromise time period. And more important than the presumptive 30-day period contained in the final bill is the fact that a judge can effectively make the 30 days either shorter or longer depending on the facts and circumstances of the application before the court.

The bill permits extensions of the delay period, but only upon an updated showing of the need for further delay. Also, it limits any extensions to 90 days or less, unless the facts of the case justify a longer delay. Moreover, the bill also adds new public reporting on the use of delayed notice warrants.

Despite all of the exaggerated hoopla over the so-called sneak and peek provision, I am aware of no member of Congress that has taken the position that delayed notification search warrants should be eliminated and I am certainly aware of no information that this provision has ever been abused in the relatively few times it has been exercised under the PATRIOT Act during the last 4 years.

If it is constitutional and effective to use delayed notification warrants against drug dealers and child pornographers—which it is—I am all for using this tool against suspected terrorists—and that is what this bill continues to allow.

I doubt many Americans would be for a policy that would mandate that the FBI to knock on the door and tell every suspected member of al-Qaida that,

Hi, we are here from the FBI and we would like to see if you are making a dirty bomb in your basement and please don't tell your housemates and associates that we have been here searching your home.

Delayed notification warrants are here to stay and will and should be used when circumstances justify as determined by a judge.

Third, section 215. Section 215 is often misleadingly called by its critics as the library records provision. Given the great amount of discussion this provision has engendered, I would like to first note for the record that before this authorization bill that the word library was nowhere to be found in this provision.

I love libraries. I love books. I have nothing but the greatest respect for librarians and patrons of libraries. Nobody in Congress would ever sit by and allow the Federal Government to undertake fishing expeditions to find out who is reading what in libraries.

At the same time, I do not think anyone wants libraries to become safe havens for terrorist research and other terrorist activities such as electronic mail communications with computers paid for by American taxpayers.

Under the new compromise bill, the law for the first time now does refer to libraries—but only in the most bend over backward sense that it allows a very limited, select group of senior government officials, consisting of the FBI Director, the Deputy FBI Director and the Executive Assistant Director for National Security to authorize the FBI to seek a court order under the Foreign Intelligence Surveillance Act for relevant library, book sales, firearms sales, tax return, educational or medical records.

This authority may not be further delegated to anyone else in the FBI. Obviously, this was a compromise that was made in response to the great concerns that many voiced about library and other sensitive personal records. I can live with this compromise but since there was not one documented case of abuse of this provision under existing law, I just hope we have not unintentionally created a bottleneck in the system by requiring the personal involvement of the senior-most FBI officials when local FBI agents might need to act as quick as possible.

There is a good argument to allow this authority to be delegated down further. I, for one, am uncertain why each of our 78 Senate-confirmed U.S. attorneys and each of the 56 career FBI Special Agents-in-Charge of local FBI Field Offices should not have this discretion. We entrust them with broad responsibility to protect us from a wide range of crimes each and every day and there seems no reason why we should not trust them to recommend which applications for business records should be brought before a judge.

I would remind my colleagues that one of the ways the Unibomber, Ted Kaczynski, was caught was through a garden-variety search of library records. I am aware of no complaints that the Unibomber was apprehended and I hope that no one takes the position that illicit users of libraries such as the Unibomber should be informed that, by the way, Mr. Kaczynski, the FBI was in last week comparing your withdrawal records with the Unibomber's written Manifesto and we thought you would be interested that they were asking about where you lived.

Section 215, the business records section allows the FBI to seek court orders—and let me repeat that—to seek court orders—to obtain business records from third parties in intelligence and terrorism cases.

The revisions in the law requires applications for orders for business records to include a statement of facts showing reasonable grounds to believe that the things sought are relevant to an authorized investigation to protect against terrorism or espionage.

Prior to this change there was no explicit relevance standard. Because of concerns that were raised, the relevance standard has now been codified. The administration supported this change. I support this change. Some, including my friend from New Hampshire, Senator SUNUNU, claim that the relevance standard contained in the bill is too broad.

Let us put this issue in perspective. The relevance standard has been used for years in the issuance of grand jury subpoenas. All across the country, dozens of these subpoenas are issued under the general relevance standard each and every day. For example, grand jury investigations routinely are conducted in conjunction with records—business records relevant to the case at hand.

As a matter of fact, in many criminal law contexts, including health care fraud and sexual exploitation cases, federal investigators—without prior judicial review—can issue what are called administrative subpoenas for relevant documents.

I believe that there are over 300 Federal statutes that contain the type administrative subpoena authority that is not included in either the current PATRIOT Act or in the reauthorization bill.

In some ways it is more difficult for the Federal Government to investigate suspected terrorists than it is to investigate Medicare fraud.

Leaving aside the wisdom of not allowing administrative subpoena authority for terrorism investigations, I think it is fair to say that the revision of section 215 that now contains an explicit relevance test is strictly in the mainstream of American criminal law.

It is not a new concept to have to go before a judge and convince him or her that the Government needs certain relevant records, such as hotel or car rental bills, to investigate potential criminal activity.

If the judge does not think it is a bona fide investigation and is just a fishing expedition, the judge can deny the request.

The revised version of the PATRIOT Act section 215 requires the Government to certify that the business records sought are relevant to an authorized investigation to obtain information not concerning a U.S. citizen or to protect against international terrorism or clandestine intelligence activities.

Further, the revision to section 215 creates a three-part test that presumes such information is relevant if it pertains to:

(1) a foreign power or an agent of a foreign power;

(2) the activities of a suspected agent of a foreign power under investigation; or

(3) an individual in contact with, or known to, a suspected agent of a foreign power under investigation.

Some have argued that this three part test is not strong enough or can be circumvented but the judges serving on the Foreign Intelligence Surveillance Court are neither potted plants nor is there any reason to believe that they will rubberstamp any application that is placed before them.

The new language includes additional procedural protections for section 215 orders including:

(1) The explicit right for recipients to consult legal counsel and to seek judicial review;

(2) The requirement that a senior FBI official approve requests for certain sensitive documents, such as library records;

(3) The use of minimization procedures to limit the retention and prohibit the dissemination of information concerning U.S. persons;

(4) Audits by the DOJ inspector general; and

(5) Enhanced reporting to Congress and the public on section 215 activities.

These are important protections, not all of which I believe are 100 percent necessary, but all of which I will support in the spirit of compromise.

Judicial review and approval is still required for every application for business records under section 215. All of these new provisions are intended to act to further safeguard against any potential abuse. Some during this debate have claimed that the new, explicit relevance standard on section 215 will allow the Government to sweep up the records of many innocent Americans.

We all share the concern about the Government getting too big for its britches. None of us would want to be on the wrong end of a misguided Federal investigation in which some overzealous bureaucrat with seemingly unlimited resources acted in an arbitrary and unfair way that could destroy our family's reputation and life savings. But that is not what the PATRIOT Act sanctions.

There is certainly no evidence that this is how the business records section of the PATRIOT Act has acted during the last 4 years.

Americans are right to have a healthy skepticism of government. A large part of what our job as Senators in Washington is to watch over Government agencies like the FBI and IRS.

Nobody wants Big Brother looking at our neighbor's personal financial, medical or library records without a very good reason. And that is exactly what the new protections that we have added to section 215 are intended to do—help make sure that when the Government investigators want to examine business records, they have a very good reason for looking at the records.

Let me repeat once again, the very same type of relevance standard that is being put into place in section 215 of the PATRIOT Act has long been the law of the land when grand juries routinely subpoena records in connection with many, many types of criminal investigations.

Again, these requests will not be in the hands of some rogue Federal agent—or an abusive grand jury—judges must decide on the issuance of a business records order under section 215.

We added additional congressional and public reporting provisions to help us in our oversight function. Additional audits by DOJ's inspector general will also act to check potential abuses.

Moreover, the Conference report requires the Justice Department to promulgate minimization procedures for every section 215 business record order that will direct the FBI not to retain or disseminate documents that are obtained incidentally.

The other day my friend, the junior Senator from New Hampshire, suggested that section 215, as amended, will place an undue burden on those entities required to produce records. I do not believe this and neither should you.

The conference report before us says that no section 215 order can be issued for material that would be beyond the scope of a grand jury subpoena, and since a grand jury subpoena can be quashed if it is unreasonable or oppressive, any section 215 application can be set aside or modified if it is unreasonable or oppressive.

In addition, the conference report expressly allows the recipient of a section 215 order to challenge an order and permits the judge to set aside any order found unlawful.

There are well-developed legal tests that can guide the courts to decide when these requests are, and are not, relevant. As well, judges are well equipped to know when these requests are, and are not, reasonable and will rule accordingly.

Fourth, finally, let me address the issue of National Security Letters or NSLs. National Security Letters allow the FBI to obtain certain third-party materials in intelligence cases. The bill before us adds further protections in this area. For example, the bill makes clear that recipients of such letter are free to disclose the receipt of this letter to their legal counsel.

I guess we can only hope that suspected terrorists do not share the same attorney and a whole terrorist cell will not be tipped off.

The bill provides further clarification that these requests may be challenged in court.

The bill makes clear that reviewing courts may modify or set aside the request if compliance would be unreasonable, oppressive, or otherwise unlawful.

The conference report language also permits judicial review of the nondisclosure requirement that attaches with NSLs.

The revised PATRIOT Act bill fosters congressional oversight by requiring the DOJ inspector general to conduct audits of the FBI's use of National Security Letters.

As well, the conference report adds annual public reporting on NSLs. Some are suddenly now loudly complaining in the last few weeks that the standard for obtaining an NSL—which is a showing of relevance—is too low.

Where were the complaints about this standard before now?

National Security Letter and the standards and practices that apply to them predate the original PATRIOT Act which passed in the fall of 2001 in the aftermath of the September 11 attacks.

The Senate bill—which was approved unanimously by the Judiciary Committee and by the full Senate by unanimous consent—did not make any changes in the standards for the issuance of National Security Letters. Nor did the House bill.

What is going on here?

It sounds a little like a case of, even if it ain't broke, let's fix it.

Yet in the spirit of mutual respect and compromise, I am not opposed trying to improve what is already working well, particularly if changes are important to many both inside and outside of the Congress. That is what has been done with respect to NSLs during the House-Senate Conference process.

As has been referred to repeatedly in this debate, part of the concern stems from a series of articles that appeared in The Washington Post that reports that some 30,000 of these letters have been issued in recent years.

As Senator SPECTER and others have pointed out, the Department of Justice is prepared to give any member a classified briefing that sets the record straight on this topic.

There is scant, if any, evidence that NSLs have been abused.

NSLs can only be used to obtain a very limited range of documents—mostly financial and communications records. They cannot, as some have alleged during this debate, be used to acquire medical records.

I said before and will repeat again that the conference document expressly allows a recipient of a National Security Letter request to challenge the request in court and have it set aside or modified if a judge determines it is unreasonable.

You would not know this from the way that some are describing this provision during this debate.

In fact, the conference report vehicle is actually more protective of civil liberties than the provision in the Senate bill, which was approved by unanimous consent earlier this year.

Specifically, the compromise language before us today requires a set of senior officials, including the Attorney General, Deputy Attorney General, Assistant Attorney General, or FBI Director to certify that disclosure will harm national security or diplomatic relations.

The Senate-passed bill gave that level of deference whenever any unspecified government officials made that certification. By confining the authority to issue NSLs to the most senior officers in DOJ and the FBI, the conference report helps ensure that it will be used with appropriate discretion.

Some are criticizing the so-called gag order provisions of the NSL procedures that forbid public disclosure of ongoing national security investigations involving NSLs.

But do we really want to let our sworn terrorist enemies know precisely

what communication and financial records that we are examining in our attempts to thwart future terrorist attacks?

I think not. Nor do I think the American public wants a system that inordinately tips our hand to our enemies.

At the end of the day, I think that the compromises made with respect to NSLs in this bill should be recognized as a good faith effort to strengthen the rights of those who have legitimate challenges to the reasonableness of the governmental request for information.

In the spirit of compromise and in recognition that many citizens have expressed concerns about this bill and are just now focusing on the longstanding NSL procedures, I think it appropriate to make these accommodations so long as we do not unduly burden legitimate law enforcement needs and longstanding practices.

Let me summarize my position on the PATRIOT Act.

I support the Conference report revisions to the PATRIOT Act, although I do not favor each and every particular change.

I urge my colleagues to vote yes on cloture and yes on final passage.

I congratulate the House of Representatives for its leadership in passing this bill yesterday with a bipartisan vote.

I commend my friend, Chairman JIM SENSENBRENNER, for his leadership of this conference committee.

I commend my friend, Senator SPECTER, for his leadership in working overtime to achieve a broad bipartisan consensus on this bill.

I want also commend all of my fellow conferees, including all of those Democratic conferees who did not sign the conference report.

These are important issues and I understand and respect that many in Congress and the American public comes to this debate from different perspectives. I do not question anyone's patriotism just because they are raising questions and concerns about this revised version of the PATRIOT Act. I might question their wisdom and judgment as pertaining to this particular bill but never the ism.

I hope that it comes time to vote that my colleagues will recognize that this is a good, compromise bill.

I understand that not everyone will agree with every jot and tittle of this bill—I certainly do not.

On balance the PATRIOT Act has worked well and we have every reason to believe that these changes will make the PATRIOT Act work even better.

This bill is good for Americans and bad news for the terrorists.

That is the way it should be.

I strongly disagree with those who would filibuster the motion to proceed to this conference report.

Let this body have the same up and down vote that the House held on Wednesday.

A three-month extension just shows the American public that this body cannot even do one of those rare and unusual must-do pieces of legislation in a timely fashion.

As well, no doubt some political pundits will likely interpret a 3-month punt on the PATRIOT Act as a short-term political defeat for the administration.

But this is a double edged sword: The American public will not be pleased if, after they have had the time and opportunity to reflect on the facts, they come to the conclusion that failure to accomplish a comprehensive renewal and strengthening of the PATRIOT Act before the end of this year is interpreted by our enemies as somehow inviting or even enabling further terrorist attacks on U.S. soil.

The Senate should vote to send this bill to President Bush's desk.

I ask unanimous consent that a letter to the Senate and House of Representatives from the board of directors of the 9/11 Families for a Secure America be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

9/11 FAMILIES FOR A SECURE AMERICA,
Staten Island, NY December 14. 2005.

To the United States Senate and House of Representatives:

The members of 9/11 Families for a Secure America ask you to vote ''yes'' on the conference report to HR 3199, the Reauthorization of the Patriot Act.

Our families understand that an important reason the 9/11 mass murderers were able to ''succeed'' in their conspiracy was the existence of ''the wall'' that blocked information sharing between law enforcement and the intelligence community. The Patriot Act removed that ''wall'' temporarily and it is important to now remove it forever so that the next 9/11 killers are not aided by the laws of our own country.

The Conference Report addresses many of the objections expressed by some Members to HR 3199 as passed by the House, and is a most reasonable compromise. It is quite apparent that the remaining objections, expressed by a few Members, are based upon theoretical possibilities for abuse of civil liberties. However, the four year history of the Patriot Act has shown what the Washington Post calls ''little evidence of abuse, and considerable evidence that the law has facilitated needed cooperation.''

Thus, the objections of the opponents of HR 3199 are simply illusions. In contrast, it is not an illusion that nineteen foreign terrorists took advantage of our government's refusal to give its law enforcement and intelligence officers the logical and obvious tools needed to catch the conspirators prior to September 11, 2001. The result was the murder of our parents, spouses, children and friends. We are convinced that the reality of 9/11 outweighs the minor, hypothetical objections that have been raised.

Some Members may think the final version of HR 3199 not quite perfect, but defeat of the Patriot Reauthorization means freedom of operation for terrorists and more needless deaths of innocent Americans. We think that concern for the safety of this country demands that these Members compromise and accept something that may be a little less than what they view as perfection. Please vote ''yes'' on the conference report to HR 3199.

Sincerely,

The Board of Directors, 9/11 Families for a Secure America:

Bruce DeCell, Sergeant, NYPD (retired), father in law of Mark Petrocelli, age 29.

Bill Doyle, father of Joseph, age 24, WTC North Tower.

Lynn Faulkner, husband of Lynn, WTC South Tower.

Peter & Jan Gadiel, parents of James, age 23, WTC, North Tower 103rd floor.

Grace Godshalk, mother of William R. Godshalk, age 35, WTC South Tower 89th floor.

Joan Molinaro, mother of Firefighter Carl Molinaro.

Will Sekzer, detective Sergeant (retired), NYPD, father of Jason Sekzer, age 31, WTC North Tower 105th floor.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

WAR IN IRAQ

Mr. THUNE. Mr. President, I rise today to speak briefly about the progress on the war in Iraq and, importantly, the well-being and morale of our troops in the field.

Last week, the State of South Dakota lost two of its sons in Iraq, SSG Daniel Cuka, 27, from Yankton, SD, and SFC Richard Shield, 40, from Tabor, SD. Both served in the 147th Field Artillery of the South Dakota National Guard and were killed by improvised explosive devices while riding in their humvees.

They were assigned the mission of assisting in the training of Iraqi police. Three other members of their battery were also wounded. South Dakota is now in the process of grieving for and honoring these two brave men who answered the call of duty.

One week after this tragic loss, an historic event occurred today in Iraq that gives particular meaning and value to the lives and sacrifice of these two men. Today Iraq held a national election to fill parliamentary seats and it appears that there was a massive turnout of voters from each of the major ethnic and religious groups, including from the Sunni population that only a few months ago rejected any participation in the political process.

This election is only the latest in a series of milestones giving testimony to the great progress that has already been made in our effort to transform this country into a true democracy. Granted, it will be a long road to the kind of democracy we have in this country. But it was a long and bumpy road in our own journey. The fact that this Iraqi election occurred at all, is amazing considering where the people of Iraq were 5 years ago, without freedom to determine their future and under the heel of Saddam Hussein's tyranny.